

REMARKS

This paper is submitted in response to the Office Action dated October 19, 2007 (the “Office Action”).

Claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-59 are pending.

Claims 54-56 stand rejected.

Claims 1, 3, 5, 6, 8-11, 13, 15, 16, 18-26, 30, 33-37, 39-41, 45, 48-52, and 57-59 have been allowed. Claims 54-56 stand rejected stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,408,518, issued to Yunoki (“Yunoki”).

The amendments add no new matter. Support for the amendments may be found, for example, on p. 17 of the Specification as originally filed. While not conceding that the cited references qualify as prior art, Applicant has chosen to address the claim rejections as set forth below. The following arguments are made without prejudice to Applicant’s right to establish, for example in a continuing application, that the cited reference does not qualify as prior art with respect to a currently or subsequently claimed aspect of the invention. Applicant offers that the claims are allowable at least for the reasons presented below.

Allowable Subject Matter

Applicant expresses gratitude for the indication that claims 1, 3, 5, 6, 8-11, 13, 15, 16, 18-26, 30, 33-37, 39-41, 45, 48-52, and 57-59 are allowed.

Formal Matters: Dependent Claims 4, 7, 14, 17, 27-29, and 42-44

The Office Action does not indicate the status of Applicant's pending claims 4, 7, 14, 17, 27-29, and 42-44. The Office Action correctly notes on p. 2, lines 4-5, that these claims are not among the claims that have previously been canceled. However, the Office Action does not include these claims in the list of currently pending claims (p. 1; p. 2, lines 7-8).

Applicant understands the omission to be a clerical error. The previously filed amendment of May 7, 2007 was not entered. (Advisory Action dated July 27, 2007.) The previously filed amendment of March 5, 2007 was entered (Office Action at p. 2, lines 6-7, referring to the amendment that was received at the USPTO on March 9, 2007.) No subsequent amendments have been made. In view of the above amendments and the entered amendment of March 5, 2007, therefore, claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-59 are currently pending in the application.

Claims 4, 7, 14, 17, 27-29, and 42-44 depend variously on independent claims 1, 11, 24, and 39, which have been allowed. In view of these dependencies, and since the Office Action provides no indication of a rejection of these claims, Applicant understands claims 4, 7, 14, 17, 27-29, and 42-44 to be allowed.

If any of claims 4, 7, 14, 17, 27-29, and 42-44 are subsequently rejected, the new rejection must be provided in a non-final Office Action, since the new rejection would not be necessitated by Applicant's amendments or by a qualifying IDS under MPEP § 707.07(a).

Rejection of Claims under 35 U.S.C. §102(b)

Claims 54-56 stand rejected under § 102(b) as being anticipated by Yunoki. Applicant respectfully submits that the claims are allowable over the cited art because the cited portions of Yunoki fail to disclose each limitation of the pending claims.

The Office Action reiterates the arguments set forth in the previous rejections. (See, e.g., p. 6 of the Final Office Action dated January 4, 2007.) In support of the rejection, the Office Action cites several portions of Yunoki, including lengthy passages from columns 5-7 of the reference. Applicant respectfully submits that the particular parts of Yunoki that the Office Action has relied upon have not been designated as nearly as practicable, and the pertinence of the reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Nonetheless, Applicant endeavors to fully address the pending rejections.

The cited portions of Yunoki fail to disclose each limitation of Applicant's claims. For example, Applicant's claim 54 includes software code executable by a processor to receive a persistent invitation to join an ongoing conference call. The receiving occurs "after the ongoing conference call has begun." Applicant understands the pending rejections as proposing that the voice message from Yunoki is an invitation. However, nowhere in the cited portions of Yunoki is there a teaching that a voice message is sent to participants after an ongoing conference has begun. Thus, this limitation is not disclosed in the cited reference.

Further, an example in Yunoki implies that a contrary timing relationship exists between the voice message and a teleconference run: the voice message is sent before a teleconference run. A procedure receives a request from a call originating subscriber to establish an upcoming teleconference run. (Yunoki at 5:13-17.) Invitees are then notified of the upcoming teleconference run. (*Id.* at 5:61—6:5.) After receiving the initial notification of the

teleconference run, invitees are offered opportunities to confirm (*Id.* at 7:1-59) or decline (*Id.* at 7:60—8:41) their participation. Only after these initial procedures does the Yunoki procedure initiate a teleconference run. “A teleconference participant executes processes . . . for a teleconference absence notification process, a teleconference cancellation process and a teleconference status confirmation process, at any time after the [teleconference notification] process in ST2 and before the process in ST6 (a teleconference run process) on request from a controller.” (Yunoki at 11:30-37, emphasis added.)

In this example from Yunoki, the voice message is sent in advance of the Yunoki teleconference run, rather than after the teleconference run has begun. Applicant sees no example in the cited portions of Yunoki that teach extending a persistent invitation to join an ongoing conference call after the ongoing conference call has begun. Accordingly, Applicant submits that independent claim 54 and all claims dependent therefrom are allowable under §102(b).

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance, and a notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5097.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on January 22, 2008.


Attorney for Applicant

2008 Jan 22
Date of Signature

Respectfully submitted,



Cyrus F. Bharucha
Attorney for Applicant
Reg. No. 42,324
Telephone: (512) 439-5097
Facsimile: (512) 439-5099